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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,145

12/05/2005

Ingolf Groening

3330

4853

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

04/27/2007

EXAMINER

CESTERO, JOSE R

ART UNIT

PAPER NUMBER

2809

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,145	GROENING ET AL.	
	Examiner	Art Unit	
	Jose Cestero	2809	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/09/2005 - 04/17/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Berthon (EP 1 035 328).

Berthon discloses an electric motor (Applicant's acknowledge prior art Fig. 2; Part 1) comprising a temperature monitoring device (Fig. 2; Parts 6, 7), whereby the device includes at least two temperature sensors (Fig. 2; Parts 6, 7) with different temperature characteristics (Paragraph 3, lines 31-37 and 38-47), and the temperature sensors are connected to terminal clamps by means of electrical wires (See Fig 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Berthon (EP 1 035 328) in further view of Gibson et al. (U.S. Patent No. 3,079,524).

Berthon substantially discloses the limitations of claim 1 for the reasons above.

However, Berthon does not disclose that the temperature sensors have a positive temperature coefficient and are designed as silicon sensors and/or three-fold bimetallic element switches and/or single-fold bimetallic element switches and/or as SMN resistors, whereby the temperature sensors have switching and/or non-switching characteristics.

Gibson et al. discloses in paragraph 2 lines 5-8 a temperature sensors have a positive temperature coefficient and are designed as silicon sensors and/or three-fold bimetallic element switches and/or single-fold bimetallic element switches and/or as SMN resistors, whereby the temperature sensors have switching and/or non-switching characteristics in order to get an accurate and rapid thermal change response.

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to make temperature sensors have a positive temperature coefficient and are designed as silicon sensors and/or three-fold bimetallic element switches and/or single-fold bimetallic element switches and/or as SMN resistors, whereby the temperature sensors have

switching and/or non-switching characteristics, as taught by Gibson et al., in order to get an accurate and rapid thermal change response.

6. Berthon and Gibson et al. substantially disclose the limitations of claim 1 and 2 for the reasons above.

However, Berthon discloses (Applicant's acknowledge prior art Fig. 2) an electrical motor includes a first terminal clamp, a second terminal clamp and a third terminal clamp, whereby a first temperature sensor is connected between the first terminal clamp and the second terminal clamp, and whereby a second temperature sensor is connected between the second terminal clamp and the third terminal clamp.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

E.H. Evalds. (U.S. Patent No. 3,366,843) discloses a thermally responsive system electrical control systems for protecting three phase electrical motors from being damaged due to overheating of the windings. Nishihata et al. (U.S. Patent No. 6,142,741) discloses an hermetic electric compressor for use, particularly, in a car air conditioner. Beihoff et al. (U.S. Patent No. 4,683,515) discloses an improved modular PTC thermistor overload protection system.

Sobiepanek et al. (U.S. Patent No. 4,716,486) discloses an electric motor comprising a thermistor-type over-current protection device. Horng et al. (U.S. Patent No. 7,064,940) discloses an over-hat protection circuit for a brushless dc motor. Ikeyama et al. (U.S. Patent No. 6,100,660) discloses a current supply controller for an electric motor. Ashiya et al. (U.S. Patent No. 6,927,549) discloses an electric motor control unit for controlling a rotational speed of a motor based on detection of over-current supplied to the motor.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jose R. Cestero, whose telephone number is (571) 270-1744. The examiner can normally be reached on Monday-Friday from 7:30 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bruce, can be reached on (571) 272-2487. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/jrc
April 24, 2007



Jose R. Cestero
Patent Examiner



DAVID BRUCE
SUPERVISORY PATENT EXAMINER